

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/23/24
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: NAVIDEA BIOPHARMACEUTICALS :  
LITIGATION :  
:  
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19-CV-1578 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Thompson Hine (“Thompson”) withdrew as counsel for Navidea and Macrophage on September 14, 2023 without providing an explanation and without stating whether the firm is asserting a retaining or charging lien, *see* Dkt. 337;

WHEREAS Mintz & Gold (“M&G”) withdrew as counsel on June 10, 2024, and Barry Kazan’s affirmation stated “M&G is not asserting a retaining or charging lien in this action at the present time,” *see* Dkt. 352;

WHEREAS Navidea and Macrophage retained Winstead as counsel, who first informed the Court on July 16, 2024 that Thompson and M&G were asserting a retaining lien on the litigation files, *see* Dkt. 365;

WHEREAS on September 4, 2024, Plaintiff Navidea Biopharmaceuticals, Inc., and Third-Party Defendant Macrophage Therapeutics, Inc., filed a motion to compel (“Motion”) their prior counsel, Thompson Hine LLP (“Thompson”) and Mintz & Gold LLP (“M&G”), to transfer the litigation files related to their representation in this matter, *see* Mot., Dkt. 372; and

WHEREAS Navidea and Macrophage served the Motion on Thompson and M&G on September 4, 2024, *see* Dkt. 374, and neither firm filed a response.

IT IS HEREBY ORDERED that Thompson and M&G must respond to the Motion by no later than Wednesday September 25, 2024, or the Court will presume that they are not objecting to the relief sought by the Motion.

**SO ORDERED.**

**Date: September 23, 2024**  
**New York, New York**



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**VALERIE CAPRONI**  
**United States District Judge**